

**Notice of Allowability**

Application No.

10/717,989

Examiner

Frederick C. Nicolas

Applicant(s)

HAYDUK, MATTHEW

Art Unit

3754

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment after final filed on 3/1/2006.
2. ☒ The allowed claim(s) is/are 2-22, 25-28, 42 and 43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
 (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached  
 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
 (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                 | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>3/8/2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____  |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the applicant's attorney Mr. Dennis C. Rodgers on 3/8/2006.

The application has been amended as follows:

#### **IN THE CLAIMS:**

Claim 2, line 8, after "a" first occurrence, --combination-- has been added; line 8, after "assembly", --, said combination-- has been added.

Claim 3, line 5, after "linear", --reciprocation-- has been added; line 6, after "a" second occurrence, --combination-- has been added; line 6, after "assembly", --, said combination-- has been added.

Claim 10, line 6, after "a" second occurrence, --combination-- has been added; line 6, after "assembly", --, said combination-- has been added.

Claim 12, line 2, "the" has been deleted and --said combination-- has been inserted; line 3, after "said", --combination-- has been added.

Claim 13, line 5, after "a" third occurrence, --combination-- has been added; line 6, after "assembly", --, said combination-- has been added; line 7, "the" has been deleted and --said combination-- has been inserted; line 8, after "said", --combination-- has been added; line 9, after "and", --said combination-- has been added.

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Claim 14, line 4, after "a" third occurrence, --combination-- has been added; line 6, after "assembly", --, said combination-- has been added; line 7, "the" has been deleted and --said-- has been inserted; line 8, after "said" second occurrence, --combination-- has been added; line 9, after "and", --said combination-- has been added.

Claim 17, line 7, "for" second occurrence, has been deleted and --, said home sensor-- has been inserted; line 8, "mechanism" has been deleted and --transmission line-- has been inserted.

Claim 18, line 3, "a" has been deleted and --said-- has been inserted; line 3, after "said", --combination-- has been added.

Claim 21, line 5, after "linear", --reciprocation-- has been added; line 6, after "a" second occurrence, --combination-- has been added; line 6, after "assembly", --, said combination-- has been added.

Claim 22, line 11, after "linear", --reciprocation-- has been added; line 12, after "a", --combination-- has been added.

Claim 25, line 1, after "said", --combination-- has been added.

Claim 28, line 8, after "linear", --reciprocation-- has been added; line 8, after "a" third occurrence, --combination-- has been added; line 9, after "said", --combination-- has been added; line 12, after "said", --combination-- has been added.

Claim 42, line 8, after "dispenser", --, and wherein said crank assembly includes a crank driven by said driver, a connection rod having a first end in connection with a

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crank pin section of said crank and a second end in engagement with a slider member, which said slider member provides said engagement section-- has been added.

***Allowable Subject Matter***

2. Claims 2-22,25-28,42-43 are allowed.

3. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious a foam dispenser drive system for a mixing module rod in combination with the other claimed limitations of claim 2:

"wherein said means for converting a rotational drive force into a linear reciprocation drive force comprises a drive transmission which includes a transmission housing and a combination crank and slide assembly, said combination comprising a crank pivotably supported by said housing and a slide apparatus".

The prior art fails to disclose or render obvious a foam dispenser drive system for a mixing module reciprocation rod in combination with the other claimed limitations of claim 3:

"said means for converting a rotational drive force into a linear drive force comprising a drive transmission which includes a transmission housing and a combination crank and slide assembly, said combination comprising a crank pivotably supported by said housing and a slide apparatus, wherein said slide apparatus comprises a connecting rod driven by said crank, and a slide member driven by said connecting rod".

The prior art fails to disclose or render obvious a foam dispenser drive system for a mixing module reciprocation rod in combination with the other claimed limitations of claim 10:

“said means for converting a rotational drive force into a linear reciprocation drive force comprising a drive transmission which includes a transmission housing and a combination crank and slide assembly, said combination comprising a crank pivotably supported by said housing and a slide apparatus; and first and second bearings wherein said crank includes a first extension and a second extension, and said housing includes a first bearing reception recess receiving said first bearing and first extension and a second bearing reception recess receiving said second bearing and second extension”.

The prior art fails to disclose or render obvious a foam dispenser drive system for a mixing module reciprocation rod in combination with the other claimed limitations of claim 13:

“said drive transmission comprising a drive shaft in line between said driver and said combination crank and slide assembly, with said drive shaft rotating along an axis of elongation so as to drive said combination crank and slide assembly, and a flex coupling positioned in line between said drive shaft and said combination crank and slide assembly”.

The prior art fails to disclose or render obvious a foam dispenser drive system for a mixing module reciprocation rod in combination with the other claimed limitations of claim 14:

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“said drive transmission comprising a drive shaft in line between said driver and said combination crank and slide assembly, with said drive shaft rotating along an axis of elongation so as to drive said combination crank and slide assembly; and a one way clutch in line between said driver and said combination crank and slide assembly”.

The prior art fails to disclose or render obvious a foam dispenser drive system for a mixing module reciprocation rod in combination with the other claimed limitations of claim 17:

“a home sensor positioned in a drive transmission line of said means for converting, said home sensor monitoring a position status of a component in said drive transmission line”.

The prior art fails to disclose or render obvious a foam dispenser drive system for a mixing module reciprocation rod in combination with the other claimed limitations of claim 21:

“said means for converting a rotational drive force into a linear drive force comprising a drive transmission which includes a transmission housing and a combination crank and slide assembly, said combination comprising a crank pivotably supported by said housing and a slide apparatus, and wherein said housing includes means for receiving a mixing module and means for feeding foam precursor chemical to said mixing module”.

The prior art fails to disclose or render obvious a foam dispenser drive system for a mixing module reciprocation rod in combination with the other claimed limitations of claim 22:

“wherein said linear reciprocation drive force has a linear direction coincident with a linear reciprocation of the mixing module rod reciprocated by said drive system, and said rotational drive force has a rotation axis extending in a common direction with a rotation axis of a drive shaft of said driver; and wherein said means for converting a rotational drive force into a linear reciprocation drive force includes a combination crank and slide assembly”.

The prior art fails to disclose or render obvious a foam dispenser drive system for a mixing module reciprocation rod in combination with the other claimed limitations of claim 28:

“said means for converting a rotational drive force into a linear reciprocation drive force includes a combination crank and slide assembly; a dispenser transmission housing, and wherein said combination crank and slide assembly includes a crank driven by said driver, a connection rod having a first end in connection with a crank pin section of said crank and a second end in engagement with a slider member of said combination crank and slide assembly”.

Further, the prior art fails to disclose or render obvious a foam dispenser drive system for reciprocation of a foam dispenser purge rod, which reciprocates in a foam chemical reception area of a dispenser in combination with the other claimed limitations of claim 42:

“wherein said crank assembly includes a crank driven by said driver, a connection rod having a first end in connection with a crank pin section of said crank

and a second end in engagement with a slider member, which said slider member provides said engagement section”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar, can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN  
March 8, 2006

A handwritten signature in black ink, appearing to be 'F. Nicolas', followed by the date '3/8/06' written in a similar cursive style.

Frederick C. Nicolas  
Primary Examiner  
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